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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,197	05/11/2001	Richard A. Thompson	(P43) SYCS-005	7928
959	7590	10/28/2004	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			PIZARRO, RICARDO M	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/854,197

Applicant(s)

THOMPSON ET AL.

Examiner

Ricardo Pizarro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-19 are objected to because of the following informalities and it suggested to applicant:

In claim 1 line 1 insert “a plurality of” before –trunks-, in line 3 delete the first occurrence of “said”, in line 6 replace “a plurality” with –said plurality-, in line 7 insert “ “said plurality of” before –nodes- and insert “ said plurality of” before –trunks-, in line 9 insert “said designated entry node” before –designating-, in line 10 insert “ said” before –network traffic-, in line 12 insert “ said network” before -traffic-.

In claim 7 In claim 1 “a plurality of” before –trunks-, in line 4 delete the first occurrence of “said” and replace ”path” with –paths-, in line 6 replace “a plurality” with –said plurality-, in line 9 insert “said designated entry node” before –designating-, in line 10 delete the first occurrence of “the”, in line 13 insert “ said network” before -traffic-.

In claim 14 line 1 insert “a plurality of” before –trunks-, in line 4 delete the first occurrence of “said”, in line 6 replace “a plurality” with –said plurality-, in line 9 insert “said designated entry node” before –designating-, in line 13 insert “ said network” before -traffic-.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takatori.

US patent No. 5,550,805 ( Takatori et al) discloses a failure restoration method in a mesh network comprising a plurality of nodes and trunks ( nodes A though I in Fig. 2), a method for configuring said network, said method comprising the steps of: providing, at a selected node, software containing algorithms, said routing algorithms ( restoration algorithm, abstract) calculating routing paths for network traffic said network traffic originating at a source node ( node A in Fig, 2) and traveling to a destination node , ( node I in Fig. 2), configuring a plurality of said nodes in said network through the use of said software so as to form a virtual ring ( Ring 1 in Fig. 2) composed of said nodes and trunks, said virtual ring containing a plurality of working trunks and a plurality of protection trunk, said virtual ring containing an entry node for each circuit (each node of a logical ring holds information of an entry node number and an exit node number of all traffic in the logical ring , col 12 lines 15-23) , said entry

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node designating the node through which said network traffic passes from the nodes of the network which are not part of said virtual ring into said virtual ring ( nodes not included in Ring 1); and said virtual ring further containing an exit node for each circuit (each node of a logical ring holds information of an entry node number and an exit node number of all traffic in the logical ring, col 12 lines 15-23 ) said exit node designating node through which said network traffic passes from said virtual ring to other nodes in the rest of the network which are not part of the virtual ring ( nodes not includes in Ring 1), as in claim 1; wherein the number of protection trunks between any two adjacent nodes in a selected virtual ring equals the maximum number of working trunks between any other adjacent nodes in said selected virtual ring ( col 3 lines 34-39)., as in claim 2; wherein traffic is routed through said virtual ring such that the virtual ring is treated as a single node during the calculation of said routing paths ( each of the rings 1-4 in Fig. 2), as in claim 3; wherein said routing paths include a plurality of trunks in said virtual ring, as in claim 4 ( i.e. col 3 lines 49-57); wherein said virtual ring is overlaid on a network possessing a mesh topology ( mesh network, col 1 line 63), as in claim 5

Takatori did not specifically disclose designating a node as either an entry or exit node, however it disclosed the capability of each node of each logical ring to hold information of an entry node number and an exit node number of all traffic in one of the logical rings.

Therefore it would have been obvious to one of ordinary skill in the art that a designated entry and exit node for each ring would have been produced by the system disclosed by Takatori with the motivation of obtaining a restoration method in a mesh network for automatically rerouting traffic for restoration when a failure occurs in a node or transmission line in a network.

*Allowable Subject Matter*

3. Claims 7-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Please notice objection to claims under 37 CFR 1.75.

*Conclusion*

4. Any response to this final action should be mailed to:

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9316

(for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT" )

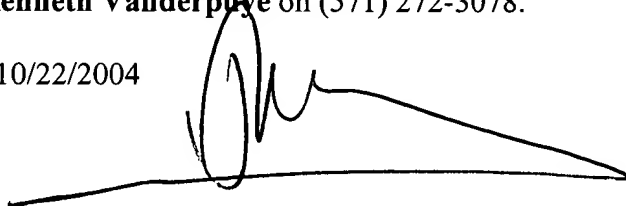
Hand-delivered responses should be brought to 22- 20<sup>th</sup> Street S, Crystal Plaza Two, Lobby, Room 1B03, Arlington , VA 22202 ( Customer window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is **(571) 272-3077**.

The examiner can normally be reached on Monday-Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kenneth Vanderpuy** on (571) 272-3078.

10/22/2004

A handwritten signature in black ink, appearing to be "KV", is written over a horizontal line. The signature is stylized and cursive.